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EXAMINER

PATEL, HARESH N

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/756,907

Applicant(s)

GALEA, NICK

Examiner

Haresh Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/10/04, 1/14/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-8 are subject to examination.

Priority

2. Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) or (f), is acknowledged.

Specification

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.

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- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

- i. The disclosure is objected because it is not arranged as per above-mentioned sections.

Appropriate correction is required.

- 4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The present title, "Regulating receipt of electronic mail" is too broad and is not sufficient for proper classification of the claimed subject matter.

Drawings

- 5. The figures submitted on 1/14/2004 are acknowledged.

Information Disclosure Statement

- 6. An initialed and dated copy of the applicant's IDS form 1449, paper dated 5/10/04, 1/14/04, is attached to the instant Office action.

Claim Objections

- 7. Claims 1-8 are objected to because of the following informalities:

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Claims 1 and 5 contain “,” which should be --;-- at the end of first capturing step of the claims.

Claims 1 and 5 contain “if” which should be --when-- for all the limitations of the claim as “if” is a conditional statement.

Claims 2-4 contain, “A system as claimed” which should --The system as claimed--

Claims 6 and 7 contain, “A method as claimed”, which should --The method as claimed--

Claim 8 is a computer program claim that is independent claim, and which also contain limitations of claim 5 or claim 6 or claim 7, hence the claim 8 claims three independent claims together. The claim 8 should be claimed as: claim 8 referring to claim 5, claim 9 referring to claim 6, and claim 10 referring to claim 7.

Claim 3 contains, “predetermined time”, which should --predetermined amount of time--

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-4 and 8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. The claims 1-4 contain “means for” that are not limited to hardware. Claim 8 claim a program, which does not fall into any of the statutory categories.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations, “probably not”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claims 1 and 7 recite the limitations, “it”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claim 2 recites the limitations, “that”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claim 4 recites the limitations, “probably”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claim 5 recites the limitations, “to be”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claim 5 recites the limitations, “likely”, “unlikely”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claim 6 recite the limitations, “the latest date”. There is insufficient antecedent basis for this limitation in the claim (Please see MPEP 706.03(d)).

Claim 7 recites the limitations, “found probable” “that”. These limitations are indefinite for failing to particularly point out and distinctly claim the subject matter in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by 2004/0111531

Staniford et al. (Hereinafter Staniford).

12. Referring to claim 1, Staniford discloses a system of regulating receipt of electronic mail (e.g., col., 7) comprising capturing means for capturing an outgoing electronic mail message (e.g., col., 7), outgoing electronic mail analysing means for determining an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., col., 7); list updating means for updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., col., 7); incoming mail capture means for capturing incoming electronic mail messages (e.g., col., 7); incoming electronic mail analysing means for determining whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list and for forwarding the incoming message to an intended recipient if the address of the sender is a member of the pass list (e.g., col., 7); and analysing means for determining a probability that the incoming message is an unsolicited

message if the address of the sender is not a member of the pass list and for forwarding the incoming message to the intended recipient if it is determined that the incoming message is probably not an unsolicited message (e.g., col., 7).

13. Referring to claim 2, Staniford discloses the claimed limitations as rejected as above.

Staniford also discloses wherein the list updating means includes dating means for dating members of the pass list with a date that a message was last sent to that member (e.g., col., 6).

14. Referring to claim 3, Staniford discloses the claimed limitations as rejected as above.

Staniford also discloses pass list purging means for purging the pass list of members to which a message has not been sent for a predetermined time (e.g., col., 6).

15. Referring to claim 4, Staniford discloses the claimed limitations as rejected as above.

Staniford also discloses deletion means for deleting an incoming message which the analysing means determines is probably an unsolicited message (e.g., col., 5).

16. Referring to claim 5, Staniford discloses a method of regulating receipt of electronic mail

(e.g., col., 7) comprising the steps of: capturing an outgoing electronic mail message (e.g., col., 7), analysing the outgoing electronic mail message to determine an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., col., 7); updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., col., 7); capturing an incoming electronic mail message (e.g., col., 7);

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7), analysing the incoming electronic mail message to determine whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list (e.g., col., 7); passing the incoming electronic mail message to an addressee if the electronic address of the sender of the incoming message is a member of the pass list (e.g., col., 7); filtering the incoming message to analyse whether the incoming message is likely to be an unsolicited message if the address of the sender is not on the pass list (e.g., col., 7); and if the incoming message is found unlikely to be a unsolicited message forwarding the message to the addressee (e.g., col., 7).

17. Referring to claim 6, Staniford discloses the claimed limitations as rejected as above. Staniford also discloses wherein the step of updating a pass list includes updating the pass list with the latest date on which a message has been sent to an address, for subsequent purging of addresses to which messages have not been sent within a predetermined period of time (e.g., col., 6).

18. Referring to claim 7, Staniford discloses the claimed limitations as rejected as above. Staniford also discloses wherein the incoming message is deleted if it is found probable that the message is an unsolicited message (e.g., col., 6).

19. Referring to claim 8, Staniford discloses a computer program comprising code means for performing all the steps of the method of any of claims 5 to 7 when the program is run on one or more computers (e.g., col., 7).

20. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by MajorNewswire.com, "Red Earth Software Releases Policy Patrol version 2.0", pages 1 and 2, Dec 2, 2002 (Hereinafter MajorNewswire).

21. Referring to claim 1, MajorNewswire discloses a system of regulating receipt of electronic mail (e.g., pages 1, 2) comprising capturing means for capturing an outgoing electronic mail message (e.g., pages 1, 2), outgoing electronic mail analysing means for determining an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); list updating means for updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); incoming mail capture means for capturing incoming electronic mail messages (e.g., pages 1, 2); incoming electronic mail analysing means for determining whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list and for forwarding the incoming message to an intended recipient if the address of the sender is a member of the pass list (e.g., pages 1, 2); and analysing means for determining a probability that the incoming message is an unsolicited message if the address of the sender is not a member of the pass list and for forwarding the incoming message to the intended recipient if it is determined that the incoming message is probably not an unsolicited message (e.g., pages 1, 2).

22. Referring to claim 2, MajorNewswire discloses the claimed limitations as rejected as above. MajorNewswire also discloses wherein the list updating means includes dating means for dating members of the pass list with a date that a message was last sent to that member (e.g., pages 1, 2).

23. Referring to claim 3, MajorNewswire discloses the claimed limitations as rejected as above. MajorNewswire also discloses pass list purging means for purging the pass list of members to which a message has not been sent for a predetermined time (e.g., pages 1, 2).

24. Referring to claim 4, MajorNewswire discloses the claimed limitations as rejected as above. MajorNewswire also discloses deletion means for deleting an incoming message which the analysing means determines is probably an unsolicited message (e.g., pages 1, 2).

25. Referring to claim 5, MajorNewswire discloses a method of regulating receipt of electronic mail (e.g., pages 1, 2) comprising the steps of: capturing an outgoing electronic mail message (e.g., pages 1, 2), analysing the outgoing electronic mail message to determine an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); capturing an incoming electronic mail message (e.g., pages 1, 2), analysing the incoming electronic mail message to determine whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list (e.g., pages 1, 2); passing the incoming electronic mail

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message to an addressee if the electronic address of the sender of the incoming message is a member of the pass list (e.g., pages 1, 2); filtering the incoming message to analyse whether the incoming message is likely to be an unsolicited message if the address of the sender is not on the pass list (e.g., pages 1, 2); and if the incoming message is found unlikely to be a unsolicited message forwarding the message to the addressee (e.g., pages 1, 2).

26. Referring to claim 6, MajorNewswire discloses the claimed limitations as rejected as above. MajorNewswire also discloses wherein the step of updating a pass list includes updating the pass list with the latest date on which a message has been sent to an address, for subsequent purging of addresses to which messages have not been sent within a predetermined period of time (e.g., pages 1, 2).

27. Referring to claim 7, MajorNewswire discloses the claimed limitations as rejected as above. MajorNewswire also discloses wherein the incoming message is deleted if it is found probable that the message is an unsolicited message (e.g., pages 1, 2).

28. Referring to claim 8, MajorNewswire discloses a computer program comprising code means for performing all the steps of the method of any of claims 5 to 7 when the program is run on one or more computers (e.g., pages 1, 2).

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29. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by www.Randomhacks.net, "Bayesian Whitelisting: Finding the Good Main Among the Spam", pages 1-6, Sep 29, 2002 (Hereinafter Randomhacks).

30. Referring to claim 1, Randomhacks discloses a system of regulating receipt of electronic mail (e.g., pages 1, 2) comprising capturing means for capturing an outgoing electronic mail message (e.g., pages 1, 2), outgoing electronic mail analysing means for determining an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); list updating means for updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); incoming mail capture means for capturing incoming electronic mail messages (e.g., pages 1, 2); incoming electronic mail analysing means for determining whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list and for forwarding the incoming message to an intended recipient if the address of the sender is a member of the pass list (e.g., pages 1, 2); and analysing means for determining a probability that the incoming message is an unsolicited message if the address of the sender is not a member of the pass list and for forwarding the incoming message to the intended recipient if it is determined that the incoming message is probably not an unsolicited message (e.g., pages 1, 2).

31. Referring to claim 2, Randomhacks discloses the claimed limitations as rejected as above. Randomhacks also discloses wherein the list updating means includes dating means for dating

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members of the pass list with a date that a message was last sent to that member (e.g., pages 1, 2).

32. Referring to claim 3, Randomhacks discloses the claimed limitations as rejected as above. Randomhacks also discloses pass list purging means for purging the pass list of members to which a message has not been sent for a predetermined time (e.g., pages 1, 2).

33. Referring to claim 4, Randomhacks discloses the claimed limitations as rejected as above. Randomhacks also discloses deletion means for deleting an incoming message which the analysing means determines is probably an unsolicited message (e.g., pages 1, 2).

34. Referring to claim 5, Randomhacks discloses a method of regulating receipt of electronic mail (e.g., pages 1, 2) comprising the steps of: capturing an outgoing electronic mail message (e.g., pages 1, 2), analysing the outgoing electronic mail message to determine an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); capturing an incoming electronic mail message (e.g., pages 1, 2), analysing the incoming electronic mail message to determine whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list (e.g., pages 1, 2); passing the incoming electronic mail message to an addressee if the electronic address of the sender of the incoming message is a member of the pass list (e.g., pages 1, 2); filtering the incoming message to analyse whether the incoming message is likely to

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be an unsolicited message if the address of the sender is not on the pass list (e.g., pages 1, 2); and if the incoming message is found unlikely to be a unsolicited message forwarding the message to the addressee (e.g., pages 1, 2).

35. Referring to claim 6, Randomhacks discloses the claimed limitations as rejected as above. Randomhacks also discloses wherein the step of updating a pass list includes updating the pass list with the latest date on which a message has been sent to an address, for subsequent purging of addresses to which messages have not been sent within a predetermined period of time (e.g., pages 1, 2).

36. Referring to claim 7, Randomhacks discloses the claimed limitations as rejected as above. Randomhacks also discloses wherein the incoming message is deleted if it is found probable that the message is an unsolicited message (e.g., pages 1, 2).

37. Referring to claim 8, Randomhacks discloses a computer program comprising code means for performing all the steps of the method of any of claims 5 to 7 when the program is run on one or more computers (e.g., pages 1, 2).

38. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by www.rhyolite.com, "Automatic white-listing from outgoing email", pages 1 and 2, Jan 1, 2003 (Hereinafter Rhyolite).

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39. Referring to claim 1, Rhyolite discloses a system of regulating receipt of electronic mail (e.g., pages 1, 2) comprising capturing means for capturing an outgoing electronic mail message (e.g., pages 1, 2), outgoing electronic mail analysing means for determining an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); list updating means for updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); incoming mail capture means for capturing incoming electronic mail messages (e.g., pages 1, 2); incoming electronic mail analysing means for determining whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list and for forwarding the incoming message to an intended recipient if the address of the sender is a member of the pass list (e.g., pages 1, 2); and analysing means for determining a probability that the incoming message is an unsolicited message if the address of the sender is not a member of the pass list and for forwarding the incoming message to the intended recipient if it is determined that the incoming message is probably not an unsolicited message (e.g., pages 1, 2).

40. Referring to claim 2, Rhyolite discloses the claimed limitations as rejected as above. Rhyolite also discloses wherein the list updating means includes dating means for dating members of the pass list with a date that a message was last sent to that member (e.g., pages 1, 2).

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41. Referring to claim 3, Rhyolite discloses the claimed limitations as rejected as above.

Rhyolite also discloses pass list purging means for purging the pass list of members to which a message has not been sent for a predetermined time (e.g., pages 1, 2).

42. Referring to claim 4, Rhyolite discloses the claimed limitations as rejected as above.

Rhyolite also discloses deletion means for deleting an incoming message which the analysing means determines is probably an unsolicited message (e.g., pages 1, 2).

43. Referring to claim 5, Rhyolite discloses a method of regulating receipt of electronic mail (e.g., pages 1, 2) comprising the steps of: capturing an outgoing electronic mail message (e.g., pages 1, 2), analysing the outgoing electronic mail message to determine an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); capturing an incoming electronic mail message (e.g., pages 1, 2), analysing the incoming electronic mail message to determine whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list (e.g., pages 1, 2); passing the incoming electronic mail message to an addressee if the electronic address of the sender of the incoming message is a member of the pass list (e.g., pages 1, 2); filtering the incoming message to analyse whether the incoming message is likely to be an unsolicited message if the address of the sender is not on the pass list (e.g., pages 1, 2); and if the incoming message is found unlikely to be a unsolicited message forwarding the message to the addressee (e.g., pages 1, 2).

44. Referring to claim 6, Rhyolite discloses the claimed limitations as rejected as above.

Rhyolite also discloses wherein the step of updating a pass list includes updating the pass list with the latest date on which a message has been sent to an address, for subsequent purging of addresses to which messages have not been sent within a predetermined period of time (e.g., pages 1, 2).

45. Referring to claim 7, Rhyolite discloses the claimed limitations as rejected as above.

Rhyolite also discloses wherein the incoming message is deleted if it is found probable that the message is an unsolicited message (e.g., pages 1, 2).

46. Referring to claim 8, Rhyolite discloses a computer program comprising code means for performing all the steps of the method of any of claims 5 to 7 when the program is run on one or more computers (e.g., pages 1, 2).

47. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by www.hexamail.com, "Hexamail", pages 1-8, 11/28/2002 (Hereinafter Hexamail).

48. Referring to claim 1, Hexamail discloses a system of regulating receipt of electronic mail (e.g., pages 1, 2) comprising capturing means for capturing an outgoing electronic mail message (e.g., pages 1, 2), outgoing electronic mail analysing means for determining an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., pages 1,

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2); list updating means for updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); incoming mail capture means for capturing incoming electronic mail messages (e.g., pages 1, 2); incoming electronic mail analysing means for determining whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list and for forwarding the incoming message to an intended recipient if the address of the sender is a member of the pass list (e.g., pages 1, 2); and analysing means for determining a probability that the incoming message is an unsolicited message if the address of the sender is not a member of the pass list and for forwarding the incoming message to the intended recipient if it is determined that the incoming message is probably not an unsolicited message (e.g., pages 1, 2).

49. Referring to claim 2, Hexamail discloses the claimed limitations as rejected as above. Hexamail also discloses wherein the list updating means includes dating means for dating members of the pass list with a date that a message was last sent to that member (e.g., pages 1, 2).

50. Referring to claim 3, Hexamail discloses the claimed limitations as rejected as above. Hexamail also discloses pass list purging means for purging the pass list of members to which a message has not been sent for a predetermined time (e.g., pages 1, 2).

51. Referring to claim 4, Hexamail discloses the claimed limitations as rejected as above.

Hexamail also discloses deletion means for deleting an incoming message which the analysing means determines is probably an unsolicited message (e.g., pages 1, 2).

52. Referring to claim 5, Hexamail discloses a method of regulating receipt of electronic mail (e.g., pages 1, 2) comprising the steps of: capturing an outgoing electronic mail message (e.g., pages 1, 2), analysing the outgoing electronic mail message to determine an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., pages 1, 2); capturing an incoming electronic mail message (e.g., pages 1, 2), analysing the incoming electronic mail message to determine whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list (e.g., pages 1, 2); passing the incoming electronic mail message to an addressee if the electronic address of the sender of the incoming message is a member of the pass list (e.g., pages 1, 2); filtering the incoming message to analyse whether the incoming message is likely to be an unsolicited message if the address of the sender is not on the pass list (e.g., pages 1, 2); and if the incoming message is found unlikely to be a unsolicited message forwarding the message to the addressee (e.g., pages 1, 2).

53. Referring to claim 6, Hexamail discloses the claimed limitations as rejected as above.

Hexamail also discloses wherein the step of updating a pass list includes updating the pass list with the latest date on which a message has been sent to an address, for subsequent purging of

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addresses to which messages have not been sent within a predetermined period of time (e.g., pages 1, 2).

54. Referring to claim 7, Hexamail discloses the claimed limitations as rejected as above.

Hexamail also discloses wherein the incoming message is deleted if it is found probable that the message is an unsolicited message (e.g., pages 1, 2).

55. Referring to claim 8, Hexamail discloses a computer program comprising code means for performing all the steps of the method of any of claims 5 to 7 when the program is run on one or more computers (e.g., pages 1, 2).

Conclusion

Multiple rejections are used to demonstrate that Automatic / Dynamic whitelisting was known prior to the earliest effective date of this application, i.e., 01/15/2003. Please refer to the "Red Earth Software", letter of 11 March 2004, paper dated 5/10/2004 regarding the whitelisting.

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the


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claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Haresh Patel

Haresh Patel

7/15/07